

BEFORE THE BOARD OF OIL, GAS AND MINING

DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

CO-OP MINING COMPANY	:	
Petitioner,	:	ORDER
vs.	:	
DIVISION OF OIL, GAS AND MINING,	:	Docket No. 85-053
	:	Cause No. ACT/015/025
Respondent.	:	

This matter came before the Board of Oil, Gas and Mining ("Board") on October 24, 1985 in the Board Room of the Division of Oil, Gas and Mining, 355 West North Temple, Salt Lake City, Utah.

The following Board members were present and participating at the hearing:

Gregory P. Williams, Chairman
James W. Carter
Charles R. Henderson
Richard B. Larsen
E. Steele McIntyre

The Board was represented by Mark C. Moench, Assistant Attorney General.

Petitioner, Co-op Mining Company, was represented by Carl E. Kingston. Respondent, the Division of Oil, Gas and Mining ("Division") was represented by Barbara W. Roberts, Assistant Attorney General.

Melvin A. Coonrod, permitting and compliance, and William Stoddard, mine manager, appeared as witnesses on behalf of Co-op Mining Company.

David Lof, mining field specialist, and Kenneth W. Wyatt, mining field specialist, appeared as witnesses on behalf of the Division.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board, having considered the testimony and evidence adduced, now makes and enters the following Findings of Fact and Conclusions of Law:

1. Due and regular notice of the time, place and purpose of the hearing was given to all interested parties in the form and manner and within the time required by law and the rules of the Board.

2. The Board has jurisdiction over the matter covered by this Petition and over all parties interested therein, and has jurisdiction to make and promulgate the Order hereinafter set forth.

3. With regard to notice of violation N85-4-8-2 (2 of 2), Co-op Mining Company failed to maintain sediment controls in such a manner as to present additional contributions of suspended solids to streamflow or runoff outside the permit area. Furthermore, the civil penalty points assessed for the violation should be modified to decrease the probability of occurrence from 14 to 10 points and to decrease the extent of potential or actual damage from 21 to 16 points. The remainder of the assessed penalty is supported by evidence and should remain as written.

4. The civil penalty for N85-4-8-2 should be assessed at 60 points for a total of \$1380.00.

5. With regard to notice of violation N85-4-13-1, Co-op Mining Company failed to mine in accordance with an approved interim permit. Furthermore, the civil penalty points assessed for the violation should be modified to decrease the extent of potential or actual damage from 9 to 5 points. The remainder of the assessed civil penalty is supported by evidence and should remain as written.

6. The civil penalty for N85-4-13-1 should be assessed at 19 points for a total of \$190.00.

7. With regard to cessation order C85-4-4-1, Co-op Mining Company failed to abate notice of violation N85-4-13-1 within the time set for abatement. The civil penalty for this violation should remain as assessed at \$750.00.

8. With regard to cessation order C84-7-1-1, Co-op Mining Company conducted mining operations without a permit through mining outside of its permit boundary. The civil penalty should be modified to decrease the extent of damage from 18 to 15 points and to decrease the negligence from 30 to 25 points. The remainder of the civil penalty assessment is supported by evidence and should remain as written.

9. The civil penalty for C84-7-1-1 should be assessed at 61 points for a total of \$1460.00.

ORDER

IT IS THEREFORE ADJUDGED AND ORDERED THAT:

1. Notice of Violation N85-4-8-2 is sustained.

2. The civil penalty for N85-4-8-2 is modified to decrease the probability of damage from 14 to 10 points and to decrease the extent of damage from 21 to 16 points. The remainder of the assessed penalty is sustained. The civil penalty is assessed at 60 points for a total of \$1380.00.

3. Notice of Violation N85-4-13-1 is sustained.

4. The civil penalty for N85-4-13-1 is modified to decrease the extent of damage from 9 to 5 points. The remainder of the civil penalty is sustained. The civil penalty is assessed at 19 points for a total of \$190.00.

5. Cessation Order C85-4-4-1 and the assessed civil penalty is sustained as written for the amount of \$750.00.

6. Cessation Order C84-7-1-1 is sustained.

7. The civil penalty for C84-7-1-1 is modified to decrease the extent of damage from 18 to 15 points and the negligence from 30 to 25 points. The remainder of the civil penalty is sustained as written. The civil penalty is assessed at 61 points for a total of \$1460.00.

DATED this 13th day of November, 1985.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING



GREGORY P. WILLIAMS, Chairman
BOARD OF OIL, GAS AND MINING

APPROVED AS TO FORM:



MARK C. MOENCH
Assistant Attorney General